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Harrisburg, Thursday, April 14, 1836. NO. 22.

PUBLISHED WEEKLY BY

G. & T. H. BORDEN.

T[illegible] 5 dollars per annum [illegible] be paid in advance [illegible] (which shall in) begin[illegible] lines or less [illegible] for the first, and fifty cents [illegible] subsequent insertion. Larger advertisements [illegible] same proportion.

OFFICIAL PART.

On the 13th of April the Telegraph and Texas Register was established the official medium of publication from the government ad interim of the republic of Texas.

[illegible]

EXTRACT

from the general provisions of the constitution.

SECT. 8. All persons who shall leave the country [illegible] the purpose of avoiding a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all rights of citizenship and such lands as they may hold in the republic.

SECT. 9. All persons of color who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude, provided the said slave shall be the *bona fide* property of the person so holding said slave as aforesaid. Congress shall pass no law to prohibit emigrants from the United States of America from bringing their slaves into the republic with them, and holding them by the same tenure by which such slaves were held in the United States; nor shall congress have power to emancipate slaves; nor shall any slave holder be allowed to emancipate his or her slave or slaves without the consent of congress, unless he or she shall send his or her slave or slaves without the limits of the republic. No free person of African descent, either in whole or in part, shall be permitted to reside permanently in the republic, without the consent of congress; and the importation or admission of Africans or negroes into this republic, excepting from the United States of America, is forever prohibited and declared to be piracy.

SECT. 10. All persons, (Africans, the descendants of Africans, and Indians excepted) who were [illegible] in Texas, on the day of the declarati[illegible]dependence, shall be considered [illegible] the republic, and entitled to all the privileges of such. All citizens now living in Texas, who have not received their portion of land, in like manner, as colonists, shall be entitled to their lands in the following proportion and manner: Every head of a family shall be entitled to one league and a labor of land, and every single man of the age of seventeen and upwards, shall be entitled to the third part of one league of land; all citizens who may have, previously to the adoption of this constitution received their league of land, as heads of families, and their quarter of a league of land, as single persons shall receive such additional quantity as will make the quantity of land received by them equal to a league and a labor, or one third of a league, unless by bargain, sale or exchange they have transferred or may hereafter [illegible] right to said land, or a portion thereof, to some other citizen of the republic; and in such case, the person to whom such rights shall have been transferred, shall be entitled to the same, as fully and amply as the person making the transfer might or could have been.

No alien shall hold land in Texas, except by title emanating directly from the government of this republic. But if any citizen of the republic should die intestate or otherwise his children or heirs shall inherit his estate. And aliens shall have a reasonable time to take possession of and dispose of the same, in a manner hereafter to be pointed out by law. Orphan children, whose parents were entitled to land, under the colonization law of Mexico, and who now reside in the republic, shall be entitled to all the rights of which their parents were possessed at the time of their death. The citizens of the republic shall not be compelled to reside on their lands; but shall have their lines plainly marked.

All orders of survey, legally obtained by any citizen of the republic, from any legally authorized commissioner, prior to the act of the late consultation closing the land offices, shall be valid. In all cases, the actual settler and occupant of the soil shall be entitled in locating his land, to include his improvement, in preference to all other claims not acquired previous to his settlement, according to the laws of the land and this constitution. Provided that nothing herein contained shall prejudice the rights of any citizen from whom a settler may hold land by rent or lease.

And whereas the protection of the public domain from unjust and fraudulent claims, and quieting the people in the enjoyment of their lands is one of the great duties of this convention; and whereas the legislature of the state of Coahuila and Texas, having passed an act, in the year 1834, in behalf of general John T. Mason of New-York, and another, on the 14th of March 1835, under which the enormous amount of eleven hundred leagues of land has been claimed by sundry individuals, some of whom reside in foreign countries, and are not citizens of the republic, which said acts are contrary to articles 4, 12 and 15 of the law of 1824 of the general congress of Mexico, and one of said acts, for that cause, has, by the said general congress of Mexico, been declared nul and void, it is hereby declared that the said act of 1834 in favor of John T. Mason, and of the 14 of March 1835, of the said legislature of Coahuila and Texas, and each and every grant founded thereon, is, and was from the beginning, null and void. And all surveys made under pretence of authority derived from said acts, are hereby declared nul and void. And all eleven league claims, located within twenty leagues of the boundary line between Texas and the United States of America, which have been located contrary to the laws of Mexico, are hereby declared to be null and void. And whereas many surveys and titles to lands have been made whilst most of the people of Texas were absent from home, serving in the campaign against Bejar, it is hereby declared that all the surveys and locations of lands, made since the act of the late consultation closing the land offices, and all titles to land made since that time, are and shall be null and void.

And whereas the present unsettled state of the country, and the general welfare of the people demands that the operations of the land offices and the whole land system shall be suspended, until persons serving in the army can have a fair and equal chance [illegible] is hereby declared that no survey or title which may hereafter be made shall be valid, unless such survey or title shall be authorized by this convention, or some future congress of the republic. And with a view to the simplification of the land system, and the protection of the people and the government from litigation and fraud, a general land office shall be established, where all the land titles of the republic shall be registered; and the whole territory of the republic shall be sectionized, in a manner hereafter to be prescribed by law, which shall enable the officers of the government, or any citizen, to ascertain with certainty the lands that are vacant, and those lands which may be covered by valid titles.

EXECUTIVE ORDINANCE.

Whereas we, the people of Texas, through our delegates in general convention assembled for the purpose of framing a constitution and organizing a government under that constitution, free, sovereign and independent, and finding, from the extreme emergency of the case, and our critical situation, that it is a duty we owe to our fellow-citizens and ourselves to look upon our present danger with a calmness unruffled and a determination unsubdued, and, at the same time, to pursue a prompt and energetic [illegible] for the support of our liberty and protection of our prosperity and lives, therefore,

1. Resolved that we deem it of vital importance to forthwith form, organize and establish a government *ad interim*, for the protection of Texas, which shall have full, ample and plenary powers to do all and every thing which is contemplated to be done by the general congress of the people, under the powers granted to them by the constitution, saving and excepting all judicial acts.

2. Resolved that said government shall consist of a chief executive officer to be styled the "president of the republic of Texas," a vice-president, secretary of state, secretary at war, secretary of the navy, secretary of the treasury, and attorney general, whose salaries shall be fixed and determined by the first congress of the republic.

3. Resolved that all questions touching the powers hereby confided to the [illegible] shall be decided by a majority of said officers.

4. Resolved that the president be elected by this convention, and that the [illegible] individual having a majority of the whole number of votes given [illegible] declared to be duly elected.

5. Resolved that the vice-president [illegible] be elected by this convention [illegible] a majority of the whole number of votes being requisite to a choice.

6. Resolved [illegible] members of this body vote for the [illegible] named officers *viva voce*.

7. Resolved [illegible] the officers so elected be required to [illegible] oath prescribed by the constitution.

8. Resolved [illegible] the president, by and with the advice [illegible] of a majority of his cabinet, shall [illegible] the appointment of all officers, civil, military and naval, for and during the [illegible] of the government *ad interim*.

9. Resolved that the government aforesaid shall be invested, and they are hereby invested with full powers to create a loan, not to exceed one million of dollars, and to pledge the faith and credit of the republic, and the proceeds of the sale of the public lands, for the repayment of the same, with the interest thereon.

10. Resolved that the president and his cabinet shall have full power to appropriate the funds of Texas to the defence of the country, by raising and supporting the army and navy, making fortifications, &c.

11. Resolved that said officers hold their offices until their successors are chosen and qualified.

12. Resolved that the president, by and with the advice and consent of his cabinet, shall [illegible] for senators and representatives, at an earlier day than that fixed by the constitution, and convene them as soon after the election as may be convenient.

13. Resolved that said government have ample and plenary powers to enter into negotiations and treaties with foreign powers.

14. Resolved that the president and his cabinet have power to appoint commissioners to any foreign power.

The foregoing fourteen resolutions were adopted in convention of the people of Texas, assembled at the town of Washington, on the 16th day of March, in the year of our Lord one thousand eight hundred and thirty-six.

RICHARD ELLIS,
President of the Convention.

H. S. KIMBLE,
Secretary.

PROCLAMATION.

Whereas, from the peculiar circumstances of Texas, making it necessary to [illegible] all proper measures the physical force of the country, it has [illegible]

[illegible] not, President [illegible] and with the con[illegible] pursuance of auth[illegible] ordered and decreed [illegible] and decree, that [illegible] are holden to be [illegible] conditional, and of [illegible] fect, until the numb[illegible] to the rank and command [illegible] sions respectively, shall actually [illegible] selves and be received into the army of Texas; and until the person so commissioned shall report himself, with an accredited muster roll of his forces so raised, and introduced by him to the Secretary of war of the Republic.

And it is further ordered and decreed, that any person, whether specially commissioned or not, who shall introduce into the military service of Texas, for a period of one year, or during the war with [illegible] any number of able bodied white men, exceeding fifty-six, shall be entitled to a commission with the pay and emoluments pertaining thereto in the following ratio, [illegible] who shall introduce into the service of Texas, as aforesaid, one [illegible] men, shall be entitled to the commission, rank, pay, and emoluments of a Brigadier General; for the introduction of five hundred, to the commission, &c. of a Colonel; for three hundred, to that of Major; and for fifty-six, to that of a Captain; provided that no person shall, in virtue thereof, be entitled to any commission, rank, pay, or emoluments, until he shall have introduced at least fifty-six men as aforesaid; and provided that the men so introduced, shall enroll themselves into the service of Texas in the manner and on the terms before expressed.

Done at Harrisburgh, this third day of April, 1836, and of the Independence of the Republic the first.

DAVID G. BURNET,
President of the Republic of Texas

By the president,
BAILEY HARDEMA
Acting Secretary of State.

PROCLAMATION.

Whereas the late provisional government of Texas did, anterior to the declaration of independence, issue certain letters of marque and reprisal; and whereas doubts are entertained of the competency of said government to exercise such powers; Therefore I, David G. Burnet, president of the republic of Texas, by and with the advice and consent of my cabinet, [illegible] marque and reprisal, and all [illegible]

[illegible] ching the same, [illegible] ereby suspended; [illegible] r pretending to [illegible] ue and reprisal or [illegible] authority touching the same, are commanded to return the [illegible] and to report themselves forthwith to the secretary of the navy of this republic.

Done at Harrisburg, this March 25, 1836.

DAVID G. BURNET,
President of the Republic.

By the president,
SAM. P. CARSON,
Secretary of State.

ORDINANCE

Granting bounties of land to volunteers.

Whereas many individuals, from the United States and elsewhere, have left their homes of peace and comfort to volunteer in the service of this country, and endured the hardships and perils of war in its struggle against Mexican tyranny; and hereby their generous patriotism and gallant conduct in the field earned our warmest gratitude;

Therefore resolved, That bounties of land be granted, and are hereby granted to said volunteers, as follows, viz:

To all who are now in service, and shall continue in service faithfully during the war, twelve hundred and eighty acres.

To all who have served faithfully, or who shall have served faithfully, for a period not less than six months, six hundred and forty acres.

To all who have served faithfully for a period not less than three months, three hundred and twenty acres.

To all who shall enter the service previous to the first day of next July, and shall continue in service faithfully during the war, provided the war shall continue for a period more than six months, nine hundred and sixty acres.

To all who shall enter the service after the first day of next July, a quantity proportioned to their services, and to be hereafter determined.

Resolved, that the lawful heir or heirs of all such volunteers as may have fallen, or may hereafter fall, in the present contest with the Mexican government, or who may have died, or may hereafter die, *from* any accident while in the service of the country, during the war, shall be granted the quantity of land which would have been due the deceased under the colonization laws, as established by the laws of the land, had he survived, that is to say, one league and labor (4604 acres) for a man of family, and one third of a league (1476 acres) for a single man; *also*, that the said heir or heirs, shall receive, in addition to the land granted as aforesaid, a bounty of six hundred and forty acres, as [illegible] by [illegible] at San Felipe on the 11th day of December, 1835.

Resolved, that every applicant for land under these claims shall present a certificate from the proper officer under whose command he served, of the time of his service, faithful discharge, &c. and such further evidence as may be considered sufficient: and that the said evidence shall be presented to a land commissioner or such proper agent as may be established by law to establish the correctness of the claims: *also*, that these claims may be located in any unappropriated and vacant land in the country; but no single grant shall be located in more than one body, nor any grant of 1280 acres in any other form than two equal squares, nor any grant of 960 acres in any other form than a square of 640 acres and another of 320 acres, nor any grant of 640 acres in any other form than a square, nor any grant of 320 acres in any other form than a square. The expences of surveying, office fees, &c. shall be borne by the claimant.

Resolved, that no bounty of land as herein specified, shall be construed so as to affect the rights and privileges to lands under the colonization law, as established by the laws of the land, of any said volunteer any more than if it had not been granted.

Resolved, that said volunteers shall, in case they by error locate any said claims upon lands previously held by legal titles or possession, be allowed to lift said location and again locate said claim upon any vacant land in the republic.

Passed in convention, March 16, 1836.

RICHARD ELLIS,
President of the Convention.

H. S. KIMBLE,
Secretary.

DECREE

Of the Executive Government.

The government of the republic of Texas, conceiving it to be absolutely necessary for the credit, character, and interest of the country, that the courts, as contemplated by the fourth article of the constitution, should be organized, and especially as cases in admiralty have arisen, and may arise, which cannot be adjudicated by the existing tribunals, exercising the power vested in it by the first article of the executive ordinance, adopted by the convention on the 16th of March, 1836, has thought proper to decree as follows:—

1st. That the appointment of three district judges be forthwith made; one for the judicial district of Nacogdoches; one for that of the Brazos, and one for Bejar: the limits of which districts shall be same res[illegible]

2d. The jurisdiction of [illegible] extend to all cases, con[illegible] constitution, but the ordi[illegible] civil cases is still in force.

3d. That the district courts [illegible] as often as circumstances m[illegible] the despatch of cases that may arise.

4th. The court for the district of Nacogdoches shall be holden at Nacogdoches, for *Brazos* at Harrisburg, and for Bejar at Goliad: the executive government having power to change the place of holding the court in either district, as circumstances may require.

5th. The trial by jury having been established by the constitution, the courts have power to cause a competent number of persons to attend by summons; and for this purpose the judge shall furnish to the sheriff, a list of the names to be called in the jury.

6th. The trial shall be conducted according to the existing laws, which are not incompatible with the constitution.

7th. The judges of the several districts have power to appoint, *pro tem.* their sheriffs and clerks.

8th. The courts have the power to establish and adopt, for their government, rules of practice not repugnant to the constitution or existing laws.

9th. There will be appointed a district attorney for each district.

10th. The judge of the supreme court will be appointed, who shall hold his court at the most convenient point for hearing appeals from the inferior tribunals, and at such times as the executive may direct.

11th. Appeals may be taken in the manner prescribed by the constitution and existing laws.

12th. The officers appointed by virtue of this decree, shall hold their offices till the meeting of congress, or till removed by the executive.

13th. The appointment of the district *judges will, according to the constitution,* supersede the courts and their officers now in existence, under the laws of Coahuila and Texas; and the judges thereof will cease their *functions, and* will carefully preserve the papers and records of their respective courts, until further decree or order from the government.

14th. The district judges may be sworn into office by any person within their respective jurisdictions, authorized to administer an oath.

Done at Harrisburg this 11th day of April, A. D. 1836, and of the independence of the republic the first.

DAVID G. BURNET.
President of the Republic of Texas.

BAILEY HARDEMAN,
Act. Sec. of State.

PROCLAMATION.

Fellow-Citizens,

Your country demands your aid—the enemy is pressing upon us—the wives and children of your neighbors are driven from their firesides, and compelled to take shelter in woods and forests, while the enemy gathers confidence and audacity from every disaster we encounter.

Under these painful circumstances, equally reproachful to our national character and dangerous to our national existence, too many citizens are lingering, in idleness and lethargy, at home, or ingloriously flying before an enemy whom we have heretofore affected to despise. Is it possible that the free citizens of Texas—the descendants of the heroes of '76, can take panic at the approach of the paltry minions of a despot, who threatens to desolate our beautiful country? Let us rather "rush *to the rescue*"—let every man, able to poise a rifle or wield a sabre, *fly to the army*, and soon, very soon, your families will be safe; our country cleansed from the pollution of every hostile foot, and the "bow of promise" will smile benignantly over the land.

Fellow citizens! The blood of the martyrs of freedom—the heroes of the Alamo, calls aloud for vengeance. The minions of despotism—the panders of priestly ambition, are waging a merciless and exterminating war upon us. A righteous God will sanction, ~~humanity itself~~ *demands, a severe retribution.* We must teach these ruffian tyrants, that the rules of Christian warfare may be observed *too* long; that while our humanity aggravates their cruelty, that humanity itself becomes cruel, and must be abandoned. But let vengeance fall upon its proper victims: the miserable, ignorant crowd, who fill the ranks of the enemy, if not guiltless, are unworthy the righteous retaliation of a magnanimous people. Let their leaders learn, by bitter experience, that the Texians can be *just*, while they desire to be generous and humane.

Citizens of Texas! we call upon you in the name of Liberty—of all the hopes and enjoyments of this life, to repair to the army. Let a sufficient number of men be selected from each neighborhood to provide for and protect our wives and children; but let the able bodied, the active, the gallant, those whose hearts beat high to every call of duty, turn their thoughts to the best security of our country, and their arms to the enemy. On our gallant army depend the hopes of Texas. Reinforce that army; but let subordination and discipline prevail. Submit yourselves to the rigors of the camp for a season, and halcyon days of peace and prosperity will reward your toils. Let every man who *can*, repair to the army: the gallant Houston will lead you to victory: the stake is glorious, let it be gloriously won. If any man prove recreant in this hour of his country's peril, let that man be marked, and the indignation of the people, the "slow unmoving finger of scorn," *will hold him in* perpetual derision. The laws of the land will be rigidly enforced. The times call for decision—for action—those "who are not for us, are against us." I subjoin an extract from the constitution; its provisions must and will be inflexibly observed. Let no man hope for exemption. All are interested—all must abide the same fate. The law makes no distinction; none will be made. United, firm, and invincible, is our motto; let it be inscribed on the craven helmets of our enemies; and generations unborn will participate in our reward, and bless the halo that will surround this era of our country's redemption from an ignominious servitude.

Extract from the constitution framed and adopted by the convention at Washington.

"All persons who shall leave the country for the purpose of avoiding a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all rights of citizenship and such lands as they hold in the Republic."

Done at Harrisburgh, the 29th day of March, A. D. 1836, and in the year of the Republic the first.

DAVID G. BURNET.
President of the Republic of Texas.

On the sixteenth of March the Convention proceeded to the election of Executive officers of the Republic of Texas, *ad interim*: whereupon the following gentlemen were elected and sworn into their respective offices:—

David G. Burnet, President.
Lorenzo De Zavala, Vice-President,
Samuel P. Carson, Secretary of State,
Bailey Hardeman, Secretary of the Treasury,
Thomas J. Rusk, Secretary at War.
Robert Potter, Secretary of the Navy.
David Thomas, Attorney-General.

TELEGRAPH.

THURSDAY, APRIL 14, 1836.

The firm hitherto existing under the style of Joseph Baker and Bordens is this day dissolved by mutual consent. Gail Borden Jr. and Thomas H. Borden are entrusted with settling the accounts of said firm.

April 5, 1836.

Joseph Baker
Gail Borden Jr.

Our subscribers, on hearing of the ruin of San Felipe, and seeing the delay on the appearance of our paper, have perhaps thought it was at an end. We have been ourselves, for several days, irresolute whether we would pursue any more its publication: the destruction of our building, which was the first given up to the flames in that devoted town, and the heavy expenses incumbent on the removal of printing materials, and the preparation
of my buildings,
who had previously
chase and transport
to our journeymen,
add to this that we have
ed.
without receiving but a
and nothing at all from
thousand dollars were so
perha
felt for a moment discoura
we could see nothing but ru
d we fou
destitute of every means, even to transport a few hu
yards what materials we had saved from the flames.
last, by the goodness of Capt. Baker, who was stat
at San Felipe, we received the help necessary to
our press over the Brazos. When we received intelligence that the presses of Brazoria and Nacogdoches had ceased their operations, and at the same time an invitation from the executive to remove to Harrisburg, as we were the last and only medium of publication they could possibly obtain; we then felt that duty called us, and having procured from a friend a sufficient wagon, we came here, determined to spend our last dollar in exertions for the country's cause for we felt that the Texians want information: people cannot move in concert unless they are informed.

We expect the government will not henceforth remove from its present seat without necessity; and we promise the public of our beloved country, that our press will never cease its operations till our silence shall announce to them that there is no more in Texas a resting place for a free press, nor for the government of their choice.

On the 26th of March Gen. Houston, having heard that the enemy had received large reinforcements and marched two divisions above and below Beason's ferry, finding himself too weak to make detachments, felt he was to be encircled in a small parcel of timber with an army that was the last hope of Texas. Foreseeing that if ever the enemy should come of his rear he would have to starve on the bank of the Colorado, leaving the country entirely unprotected, or to have the fate of Fannin in the attempt to cross the prairies that were on his rear, our General wisely ordered a retreat on San Felipe, which place our forces reached safely on the next day, without having been at all molested by the enemy. From that point Gen. Houston directed his troops to Groce's ferry, as that point offered the best and easiest crossing-place on the Brazos, and of course was most likely to be aimed at by the Mexicans; and by taking possession of the steamboat Yellow-Stone, which was lying at that place, he secured to himself the means of transporting, in a few hours, his whole force to any place where the enemy should make his appearance. At the same time he ordered a force of nearly two hundred men at San Felipe, and as many at Fort Bend, to annoy the first movements of the enemy, should they attempt to cross at those places, till himself might come down to make an effectual resistance. On the evening of the 29th some scouts, detached by Capt. Baker, who commanded at San Felipe, came in, saying, they had seen the Mexican advance guard within a few miles of San Felipe, which place they would probably reach before daylight; this report was the cause of the town being immediately set on fire and destroyed, with several thousand dollars worth of goods, which could have been carried over the river had not the scouts been too much blinded by their fears, as they had mistaken a drove of cattle for a squadron of cavalry, and the Mexican troops did not make their appearance till the sixth of April. On the 10th inst. as we are informed, a large force of the enemy suddenly made their appearance at Fort Bend, (half way between Colombia and San Felipe) and immediately began swimming the river, as the Texian force at that post, which was said to be 250, amounted, in truth, to about 35. At the same time a force of above a thousand, having marched along the sea, appeared at the mouth of the Brazos, and occupied Brazoria. These reports have created great alarm at Harrisburg, which place several families left for more se
places.

We have since heard that Gen Houston was hasten
down the river to stop the progress of the enemy.